

1 JUDGE RICARDO MARTINEZ  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA, )  
10 Plaintiff, ) CR05-0273RSM  
11 V ) ORDER GRANTING A CONTINUANCE  
12 TERRY EZELL, ) OF THE TRIAL DATE AND FINDING  
13 Defendant ) OF EXCLUDABLE TIME  
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THE COURT having reviewed the records and files herein, including, but not limited to the Defendant's waiver to extend the time for trial, the court has determined that a continuance of the trial date would be appropriate in this case because the interest of the defendant and public in speedy trial is outweighed by the interest of the defendant in having adequate time in which to investigate and prepare his defense to a significant criminal charge, and hereby makes the following findings of fact:

1. The Court finds that a failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation of mental condition defense, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(8)(B)(ii).

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1           2. The Court further finds that the ends of justice will be served by  
2 ordering a continuance in this case and that a continuance is necessary to insure effective  
3 trial preparation and that these factors outweigh the bests interests of the public in a more  
4 speedy trial within the meaning of 18 U.S.C. § 3161(h)(8)(A). accordingly,

5           IT IS ORDERED that the trial date be continued from November 20, 2006,  
6 to February 26, 2007. Pretrial motions are due by January 18, 2007. Defense to provide  
7 any and all expert reports to government by December 29, 2006.

8           IT IS FURTHER ORDERED that the period of time from the current trial  
9 date of November 20, 2006, up to March 14, 2007, including the new trial date of  
10 February 26, 2007, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C.  
11 §§ 3161, *et. seq.*

13           DONE this 14 day of November, 2006.

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17 RICARDO S. MARTINEZ

18           UNITED STATES DISTRICT JUDGE

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